

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case Number 09-20591-BC
Honorable Thomas L. Ludington

DAVID LAMAR CHAPMAN,

Defendant.

/

**ORDER DENYING THE GOVERNMENT'S MOTION FOR A NEW TRIAL DATE AND
GRANTING THE GOVERNMENT'S MOTION FOR A DEPOSITION**

On January September 23, 2010, the Government filed a motion for a new trial date no later than October 22, 2010, or alternatively to depose a key witness prior to October 26, 2010 [Dkt. #40]. The Government provides that the witness, Trooper Timothy Garrison of the Michigan State Police, conducted the trash pulls that lead to the obtaining a search warrant in this case, participated in execution of the warrant, and interviewed witnesses in this case. Trooper Garrison is scheduled to be in or near Texas until October 26, 2010, when he is expected to travel to Afghanistan for over a year. Defendant filed an objection to the Government's motion for a new trial date on September 27, 2010 [Dkt. #42], but did not object to the deposition of the witness prior to October 26, 2010

Accordingly, it is **ORDERED** the Government's motion for a trial date no later than October 22, 2010 [Dkt. #40] is **DENIED**.

It is further **ORDERED** that counsel for the Government is to communicate with counsel for the Defendant in reaching an agreeable date prior to October 26, 2010, for Trooper Timothy Larrison's deposition.

s/Thomas L. Ludington

THOMAS L. LUDINGTON
United States District Judge

Dated: October 8, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 8, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS